

# Town of North Hempstead

*Chairman*  
David L. Mammina, R.A.,  
A.I.A.

*Members*  
Donal McCarthy, Esq.  
Paul Aloe, Esq.  
Leslie Francis, Esq.  
David I. Levine, Esq.



## Board of Zoning Appeals

210 Plandome Road  
Manhasset, NY 11030  
(516) 869-7667  
Fax (516) 869-7812

### NOTICE OF DECISION

**APPEAL #19997 - Rector, Church Wardens & Vestrymen of Christ Church**, variances 70-39.C, 70-208.G & 70-100.1.D to construct a garage exceeding gross floor area and too close to the dwelling on the adjacent lot; S/side #54 George St., 485.65' E/of Plandome Rd., Manhasset, Sec. 3, Blk. 83, Lot 28, R-B District.

**WHEREAS**, an application (15-101171) was filed with the Board of Zoning Appeals and a public hearing was held following due notice. That at a meeting of the Board held on **JUNE 10, 2015**, the appeal in the above entitled matter was decided as follows:

**GRANTED**, of the dimension and in the location shown on a survey prepared by Luigi Gileno, R.A., dated October 28, 2013.

The vote of the **BOARD OF ZONING APPEALS** was recorded as follows:

Motioned by: Member Aloe                      Seconded by: Member Levine  
Aye: Member Levine, Member Francis, Member Aloe, Vice Chairman McCarthy  
Absent: Chairman Mammina

  
\_\_\_\_\_  
**JONATHAN P. FIELDING**  
**SECRETARY**

**THIS IS NOT A BUILDING PERMIT**

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### NOTICE OF DECISION

**APPEAL #19998 - John & Vasiliki Giouroukakis**, variance 70-202.1.D and appeal for determination, or in the alternative, variance 70-100.2.D to maintain retaining walls with insufficient horizontal separation between walls and a masonry barbeque exceeding permitted height; S/side #182 Mill Spring Rd., 246.23' E/of Chapel Rd., Manhasset, Sec. 3, Blk. 222, Lot 4, R-A District.

**WHEREAS**, an application (15-103047) was filed with the Board of Zoning Appeals and a public hearing was held following due notice. That at a meeting of the Board held on **JUNE 10, 2015**, the appeal in the above entitled matter was decided as follows:

The appeal for a determination is **DENIED**, and the variances sought from §§ 70-202.1.D and 70-100.2.D are **GRANTED**, of the dimension and in the location shown on drawings prepared by Frank J. Capone, R.A., dated April 24, 2014 and revised through April 3, 2015, and a survey prepared by Rodger C. Hess, L.L.S., dated September 19, 2000 and updated through May 5, 2014.

The vote of the **BOARD OF ZONING APPEALS** was recorded as follows:

Motioned by: Member Aloe      Seconded by: Member Francis  
Aye:      Member Levine, Member Francis, Member Aloe, Vice Chairman McCarthy  
Absent:      Chairman Mammina

  
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### NOTICE OF DECISION


**APPEAL #19999 - Samir Muratovic**, variances 70-30.C & 70-31.A to construct a two-story addition and portico within a required front yard and covered porch with insufficient aggregate side yard setbacks; S/side #51 Foxcroft Rd., 302' W/of Aldershot Ln., Manhasset, Sec. 3, Blk. 222, Lot 27, R-A District.

**WHEREAS**, an application (14-110842) was filed with the Board of Zoning Appeals and a public hearing was held following due notice. That at a meeting of the Board held on **JUNE 10, 2015**, the appeal in the above entitled matter was decided as follows:

The appeal was **WITHDRAWN** with respect to the variance sought from § 70-31.A and **GRANTED**, with respect to the variance sought from §70-30.C, of the dimension and in the location as shown on drawings prepared by Morgan Rolontz, R.A., dated October 7, 2014 and revised through February 26, 2015.

The vote of the **BOARD OF ZONING APPEALS** was recorded as follows:

Motioned by: Member Aloe                      Seconded by:    Member Levine  
Aye:            Member Levine, Member Francis, Member Aloe, Vice Chairman McCarthy  
Absent:        Chairman Mammina

  
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## **NOTICE OF DECISION**

**APPEAL #20006 - George Dallas**, variance 70-100.2.A(4)(b) to install fencing exceeding the permitted height and beyond the front building line; S/W/cor. 30 Bagley Ave., and Funston Ave., Albertson, Sec. 9, Blk. 70, Lot 1343, R-C District.

**WHEREAS**, an application (15-103055) was filed with the Board of Zoning Appeals, a public hearing was held following due notice, at a meeting of the Board held on **JUNE 10, 2015**, the appeal in the above entitled matter was decided as follows:

**GRANTED**, of the dimension and in the location shown on a survey prepared by Boswell Flechtner Associates dated May 25, 1977 as annotated by the applicant and received by the Board on April 20, 2015, for a period of time expiring the earlier of June 11, 2025 or such time as the applicants no longer reside at the property.

The vote of the **BOARD OF ZONING APPEALS** was recorded as follows:

Motioned by: Member Aloe      Seconded by:      Member Levine  
Aye:      Member Levine, Member Francis, Member Aloe, Vice Chairman McCarthy  
Absent:      Chairman Mammina

  
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## NOTICE OF DECISION

**APPEAL #20007 - Theophilos Patestas**, variance 70-100.2.K to install a generator within a required side yard setback; S/side 139 Sampson Ave., 50' W/of Dewey Ave., Albertson, Sec. 9, Blk. 83, Lot 120, R-C District.

**WHEREAS**, an application (15-102694) was filed with the Board of Zoning Appeals and a public hearing was held following due notice; therefore, at a meeting of the Board held on **MAY 20, 2015**, the appeal in the above entitled matter was decided as follows:

**GRANTED**, of the dimension and in the location shown on a survey prepared by Boswell Flechtner Associates dated May 9, 1983 as annotated by the applicant and received by the Board on May 1, 2015, **SUBJECT TO THE FOLLOWING CONDITION:**

*the property owner shall install and maintain evergreen plantings, also installing replacement plantings as necessary, sufficient to screen the generator from view from the adjoining property and Sampson Avenue.*

The vote of the **BOARD OF ZONING APPEALS** was recorded as follows:

Motioned by: Member Francis

Seconded by: Member Levine

Aye: Member Levine, Member Francis, Member Aloe, Vice Chairman McCarthy

Absent: Chairman Mammina

  
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## **NOTICE OF DECISION**

**APPEAL #20009 - Bayview Twenty-Two LLC**, variance 70-196.J(1)(f) to erect signage exceeding the permitted height above grade; S/E/cor. 22 Bayview Ave. and Myrtle St., Manhasset, Sec. 3, Blk. 45, Lot 118, B-B District.

**WHEREAS**, an application (15-103369) was filed with the Board of Zoning Appeals and a public hearing was held following due notice; at a meeting of the Board held on **JUNE 10, 2015**, the appeal in the above entitled matter was decided as follows:

**GRANTED**, of the dimension and in the location shown on drawings prepared by Signarama and received by the Board on April 29, 2015.

The vote of the **BOARD OF ZONING APPEALS** was recorded as follows:

Motioned by: Member Aloe      Seconded by:      Member Levine

Aye:      Member Levine, Member Francis, Member Aloe, Vice Chairman McCarthy

Absent:      Chairman Mammina

  
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### NOTICE OF DECISION

**APPEAL #19981 - Usman Saleem**, variances 70-18, 70-19.B, and 70-19.C to construct alterations exceeding the permitted lot coverage and floor area; E/side 11 Hemlock Ln., 240' S/of Dogleg Ln., Roslyn Heights, Sec. 7, Blk. 175, Lot 19, R-AA District.

**WHEREAS**, an application (15-102275) was filed with the Board of Zoning Appeals and a public hearing was held following due notice, at a meeting of the Board held on **JUNE 10, 2015**, the appeal in the above entitled matter was decided as follows:

**GRANTED**, of the dimension and in the location as shown on drawings prepared by Edward Paul Butt, R.A., dated February 17, 2014 and revised through March 17, 2015.

The vote of the **BOARD OF ZONING APPEALS** was recorded as follows:

Motioned by:	Member Francis	Seconded by:	Member Aloe
Aye:	Member Francis, Member Aloe, Vice Chairman McCarthy		
Abstain:	David Levine		
Absent:	Chairman Mammina		

  
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### NOTICE OF DECISION

**APPEAL #19983 - Hanover Organizing Group, LLC**, variances 70-103.A(1) and 70-103.F(1) to construct a second story addition to a commercial building with insufficient off-street parking and loading zones; NW/cor. #2131 Jericho Tpke. & Villa Pl., Garden City Park, Sec. 9, Blk. 237, Lots 13-15, 36-38, I-B District.

**WHEREAS**, an application (15-100894) were filed with the Board of Zoning Appeals and a public hearing was held following due notice, at a meeting of the Board held on **JUNE 10, 2015**, the appeal in the above entitled matter was decided as follows:

**GRANTED**, of the dimension and in the location shown on drawings prepared John R. Sorrenti, R.A., dated September 25, 2014 and revised through February 5, 2015.

The vote of the **BOARD OF ZONING APPEALS** was recorded as follows:

Motioned by:	Member Francis	Seconded by:	Member Aloe
Aye:	Member Francis, Member Aloe, Vice Chairman McCarthy		
Abstain:	Member Levine		
Absent:	Chairman Mammina		

  
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## **NOTICE OF DECISION**

**APPEAL #19977 - Badger Holdings, LLC**, variances 70-49.C and 70-50.C to construct a detached garage exceeding the permitted floor area and a portico within a required front yard setback; S/side #12 School St., 385.80' W/of Shell Rd., Port Washington, Sec. 5, Blk. 3, Lot 6, R-C District.

**WHEREAS**, an application (15-100197) was filed with the Board of Zoning Appeals and a public hearing was held following due notice, at a meeting of the Board held on **JUNE 10, 2015**, the appeal in the above entitled matter was decided as follows:

**GRANTED IN PART**, with respect to the variance sought from §70-50.C, of the dimension and in the location shown on drawings prepared by Donald Alberto, R.A., dated December 12, 2014 and revised through June 26, 2015 showing a one story portico{holding for full set of revised plans from Don Alberto}, and **DENIED IN PART**, with respect to the variance sought from §70-49.C.

The vote of the **BOARD OF ZONING APPEALS** was recorded as follows:

Motioned by: Member Aloe

Seconded by:

Member Levine

Aye: Member Levine, Member Francis, Member Aloe, Vice Chairman McCarthy

Absent: Chairman Mammìna



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## **NOTICE OF DECISION**

**APPEAL #20011 - Port Washington Bagel Café**, conditional use 70-126.A and variance 70-103.A to convert retail space to a food use with insufficient off-street parking; SE/Cor #1009 Port Washington Blvd. & Main St., Port Washington, Sec. 6, Blk. 80, Lots 50, B-A District.

**WHEREAS**, an application (15-101384) were filed with the Board of Zoning Appeals and a public hearing was held following due notice, at a meeting of the Board held on **JUNE 10, 2015**, the appeal in the above entitled matter was decided as follows:

**GRANTED**, of the dimension and in the location shown on drawings prepared by John M. Schimenti, R.A., dated March 25, 2015 and **SUBJECT TO THE CONDITIONS IN THE ATTACHED RIDER**.

## **SEE ATTACHED RIDER**

The vote of the **BOARD OF ZONING APPEALS** was recorded as follows:

Motioned by: Member Aloe

Seconded by: Member Levine

Aye: Member Levine, Member Francis, Member Aloe, Vice Chairman McCarthy

Absent: Chairman Mammina

  
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# **Board of Zoning Appeals**

## **Town of North Hempstead**

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**Rider to Appeal # 20011**

**Port Washington Bagel Cafe**

**SE/Cor #1009 Port Washington Blvd. & Main St., Port Washington**

**Section: 6 Block: 80 Lot: 50**

1. That the applicant shall install and maintain a suitable refrigerated garbage locker within the building. There shall be no outdoor storage of putrescible waste generated by the proposed restaurant at any time. The applicant shall arrange for indoor carry-out pick-up with a licensed sanitation collector and shall forward a copy of the contract to the Building Official prior to approval and/or issuance of a Place of Assembly or Place of Public Assembly License, as defined in the Town Code, and at every subsequent inspection following the issuance of said Place of Assembly or Place of Public Assembly License.
2. That all exterior doors shall be of solid construction in any material permitted under the New York State Fire Prevention and Building Code, shall be equipped with self-closing hardware, and shall remain closed at all times except for ingress and egress.
3. At no time may there be more than 34 seats on the premises. For purposes of this condition, a seat is defined as any place on the premises where a patron may sit and be served, whether or not a person is seated there. A table set up with four chairs counts as four seats. The conditional use permit and/or variance set forth herein shall continue only for so long as there is compliance with this condition. If at any time the applicant is not in compliance with this condition, then the conditional use permit shall terminate, and the applicant must make a new application to the Board in order to continue the restaurant use.
4. That the applicant shall obtain a Place of Assembly or Place of Public Assembly License, as defined in the Town Code, from the Building Department prior to the issuance of a Certificate of Occupancy or Completion.
5. That the applicant shall comply with all laws, ordinances, rules and regulations of all public authorities having jurisdiction over the premises and that no Certificate of Occupancy or Completion shall be issued until absolute compliance has been proven to the Commissioner of the Buildings.
6. That the applicant and or its successor shall comply with Code § 70-225(7)(A). Prior to making any changes to the kitchen, either by the addition of equipment not on the approved plan, or through an increase in the size of existing equipment, or in the size of the square footage of the kitchen, the applicant or its successor shall make a new application to this Board for a conditional use permit to use the space as a restaurant.
7. That the conditional use permit set forth herein shall continue only for so long as there is compliance with these conditions. If at any time the applicant is not in compliance with these conditions, then the conditional use permit shall terminate, and applicant must make a new application to this Board in order to continue the premises as a restaurant/food use.

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## **NOTICE OF DECISION**

**APPEAL #20012 - 316 Westbury Avenue, LLC**, variance 70-145.A to maintain an overhead garage door with insufficient front yard setback; S/side 326 Westbury Ave., 100' E/of Silver Lake Blvd., Carle Place, Sec. 10, Blk. 14, Lot 17, B-B District.

**WHEREAS**, an application (15-102955) was filed with the Board of Zoning Appeals and a public hearing was held following due notice, at a meeting of the Board held on **JUNE 10, 2015**, the appeal in the above entitled matter was decided as follows:

**GRANTED**, of the dimension and in the location shown on drawings prepared by Luigi Gileno, R.A., dated Septebmer 15, 2014 and revised through March 4, 2015.


The vote of the **BOARD OF ZONING APPEALS** was recorded as follows:

Motioned by: Member Francis

Seconded by: Member Levine

Aye: Member Levine, Member Francis, Member Aloe, Vice Chairman McCarthy

Absent: Chairman Mammina

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## **NOTICE OF DECISION**

**APPEAL #19957 - Alan Wolf**, variances 70-100.2.A(2) and 70-100.2.A(4) to maintain fencing exceeding the permitted height and beyond the front building line; SW/cor. #9 Amherst Rd. & Roslyn Rd., Albertson, Sec. 9, Blk. 122, Lots 15-19, R-B District.

**WHEREAS**, an application (15-101146) were filed with the Board of Zoning Appeals and a public hearing was held following due notice, at a meeting of the Board held on **JUNE 10, 2015**, the appeal in the above entitled matter was decided as follows:

**GRANTED IN PART**, allowing a six foot high fence along the southerly boundary of the property and along Roslyn Road, and allowing a four foot eight inch high gate to the west of the house, and **DENIED IN PART** with respect to the fence along Amherst Road, as shown on a survey prepared by Joseph Nicoletti, P.L.S., dated November 16, 2010 and annotated by the Board.

The vote of the **BOARD OF ZONING APPEALS** was recorded as follows:

Motioned by: Member Levine

Seconded by: Member Aloe

Aye: Member Levine, Member Francis, Member Aloe, Vice Chairman McCarthy

Absent: Chairman Mammina

  
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